

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

October 18, 2001

2:00 p.m.

The Council of the City of Roanoke met in regular session on Thursday, October 18, 2001, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Carl T. Tinsley, Pastor, First Baptist Church, Buena Vista, Virginia.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

COUNCIL-CITY CODE: Mr. Carder offered the following emergency ordinance amending and reordaining Rule 7, Order of Business; hearing of citizens and Rule 8, Petitions; communications, and applications, of § 2-15 Rules of procedure, Code of the City of Roanoke (1979) as amended; and adding a new Rule 8 A, Hearing of Citizens on Public Matters to § 2-15:

(#35602-101801) AN ORDINANCE amending and reordaining Rule 7, Order of business; hearing of citizens, and Rule 8, Petition, communications and applications, of § 2-15, Rule of procedure, of the Code of the City of Roanoke(1979), as amended, and adding a new Rule 8A, Hearing of citizens on public matters, to §2-15, and providing for an emergency.

(For full text of Ordinance see Ordinance Book No. 65, page 188.)

Mr. Carder moved the adoption of Ordinance No. 35602-101801. The motion was seconded by Mr. Harris.

The Mayor advised that the majority of Council believes that the above referenced ordinance will streamline the agenda process and address the request of citizens to engage in dialogue with Council Members. He explained that communication with citizens and requests by citizens to speak will be heard at the end of the Council meeting at which point RVTv coverage of the Council meeting will be concluded.

Ordinance No. 35602-101801 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris and Mayor Smith-----7.

NAYS: None-----0.

PROCLAMATIONS: The Mayor presented a proclamation declaring the month of October, 2001, as National Arts and Humanities Month in the City of Roanoke.

COUNCIL-ACTS OF ACKNOWLEDGEMENT-INDUSTRIES: The Mayor advised that Roanoke Citizen, and the City of Roanoke's Quarterly Magazine, is the recipient of the National "3CM A" (City / County Communications and Marketing Association) Silver Circle Award for Best Newsletter. On behalf of the Members of Council, he commended the City Manager and the City's Public Information Officer for their accomplishments on the City's behalf.

ACTS OF ACKNOWLEDGEMENT-COUNCIL-DECEASED PERSONS: Mr. Carder offered the following resolution memorializing the late Mary C. Pickett, former Member of Roanoke City Council:

(#35604-101801) A RESOLUTION memorializing the late Mary Chisholm Pickett, a resident of the Roanoke Valley since 1934.

(For full text of Resolution, see Resolution Book No. 65, page 192.)

Mr. Carder moved the adoption of Resolution No. 35604-101801. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

ACTS OF ACKNOWLEDGEMENT: Mr. Carder offered the following resolution paying tribute to Allstate Insurance Company for 50 years of service in the Roanoke Valley:

(#35603-101801) A RESOLUTION paying tribute to Allstate Insurance Company for 50 years of service in the Roanoke Valley.

(For full text of Resolution, see Resolution Book No. 65, page 191.)

Mr. Carder moved the adoption of Resolution No. 35603-101801. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris and Mayor Smith-----7.

NAYS: None-----0.

The Mayor presented a ceremonial copy of the resolution to Gerard F. McDermott, Support Center Vice President, Allstate Insurance Company, and a Mill Mountain Star paper weight.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. The Mayor advised that there where three requests for Closed Session, one request having been withdrawn by the City Manager.

MINUTES: Minutes of the special and regular meetings of Council held on Tuesday, September 4, 2001, and the special and regular meetings held on Monday, September 17, 2001, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Bestpitch moved that the reading of the Minutes be dispensed with and that

the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-COUNCIL-ARCHITECTURAL REVIEW BOARD: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters, specifically interviews for appointments to the Architectural Review Board, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters, specifically interviews for appointments to the Architectural Review Board, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would

adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

MUNICIPAL AUDITOR-COMMITTEES-AUDIT COMMITTEE: Minutes of a meeting of the Audit Committee which was held on Monday, October 1, 2001, were before the body.

The following items were considered by the Audit Committee:

FINANCIAL RELATED AUDITS:

Meter Replacement

Police Department Cash Funds

**Audit Findings Follow-Up
Municipal Auditing 2002 Audit Plan
Briefing on Management Assistance Work
City Market Building
Warehouse Closing
D.A.R.E. Account**

Mr. Bestpitch moved that the Minutes be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

BUILDINGS/BUILDING DEPARTMENT-HOUSING/AUTHORITY-ROANOKE CIVIC CENTER-OATHS OF OFFICE-COMMITTEES: The following reports of qualification were before Council:

Edward S. Colonna as a member of the New Construction Code, Board of Appeals, for a term ending September 30, 2006;

Ben J. Fink as a Commissioner of the City of Roanoke Redevelopment and Housing Authority for a term ending August 31, 2005; and

Robert C. Poole as a member of the Roanoke Civic Center Commission for a term ending September 30, 2004.

Mr. Bestpitch moved that the reports of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

HEARING OF CITIZENS UPON PUBLIC MATTERS:

**ROANOKE REGIONAL CHAMBER OF COMMERCE-EMERGENCY SERVICES:
Beth Doughty, President, Roanoke Regional Chamber of Commerce, expressed**

support of and commendation for cooperative public safety efforts underway between the City of Roanoke and the County of Roanoke. She stated that never has it been more important to recognize that safety and responsive service are the foundations of fire and emergency medical services, and through regional cooperation, Roanoke City and Roanoke County are ensuring that the legacy of commitment to safety and responsiveness remains.

Without objection by Council, the Mayor advised that the remarks of Ms. Doughty would be received and filed.

PETITIONS AND COMMUNICATIONS:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of the following funds, was before Council:

\$8,480.00 for the Title I School Improvement program to provide funds for Preston Park Primary, Westside Elementary, Roanoke Academy for Mathematics and Science, and Lincoln Terrace.

\$391,049.00 from the Capital Maintenance and Equipment Replacement Fund to provide funds for instructional technology equipment, facility maintenance equipment, physical education equipment, handicap access, middle and high school improvements, and food service vehicle replacement.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Hudson offered the following emergency budget ordinance:

(#35605-101801) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School and School Food Services Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 193.)

Mr. Hudson moved the adoption of Ordinance No. 35605-101801. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

BONDS/BOND ISSUES-SCHOOLS: A communication from the Roanoke City School Board advising that the School Board at its October 9 meeting approved a resolution to request Council to issue General Obligation Qualified Zone Academy Bonds (QZAB), in an aggregate principal amount not to exceed \$1,100,000.00, which

funds will be used to rehabilitate, repair, and/or equip Lincoln Terrace Elementary School, was before Council

It was further advised that QZAB initiative is a Federal program that allows lending institutions and schools to form a mutually beneficial partnership to support education; the program offers bonds, interest-free, and allows a bank or other lending institution to purchase the special no-interest bond on behalf of a school; and schools qualify based on their percentage of free lunch students.

Mr. Harris offered the following resolution:

(#35606-101801) A RESOLUTION (i) authorizing the School Board for the City of Roanoke to rehabilitate the present school building at Lincoln Terrace Elementary School; (ii) authorizing and directing the City Manager to file an application with the Virginia Department of Education seeking an allocation of authority to issue the City's general obligation qualified zone academy bonds in an amount not to exceed \$1,100,000 to finance certain renovations to Lincoln Terrace Elementary School, and (iii) authorizing and directing publication of a notice of public hearing to be held in connection with the proposed bond issuance.

(For full text of Resolution, see Resolution Book No. 65, page 195.)

Mr. Harris moved the adoption of Resolution No. 35606-101801. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris and Mayor Smith-----7.

NAYS: None-----0.

TAXES: A petition from the Boys and Girls Clubs of Roanoke Valley, Inc., requesting exemption from taxation of real property located at 1719 9th Street, S. E., in the City of Roanoke, pursuant to Section 30-19.04(B), Code of Virginia (1950), as amended, was before Council.

Following discussion, Mr. Carder moved that the matter be referred to the City Manager for study, report and recommendation to Council, and to schedule a public hearing. The motion was seconded by Mr Hudson and unanimously adopted.

Mr. White reiterated previous requests that City staff review the status of 501 (C)(3) non-profit corporations, provide Council with a review of current properties on the City's tax roles versus tax exempt properties, and submit a recommendation for

consideration by Council.

The Mayor spoke to the feasibility of the City making a contribution to such organizations in lieu of supporting tax exempt status.

ELECTIONS-REGISTRAR: A communication from the General Registrar advising that due to the “National Emergency”, it has become necessary to move Jefferson No. 2 Precinct, located at the National Guard Armory, to the Roanoke City Schools Maintenance Building; Section 24.2-306 prohibits moving a polling place 60 days prior to an election without prior approval of the Justice Department; however, since time constraints cannot be met, it is necessary to handle the temporary polling place change as an emergency; and pursuant to Section 24.2-310D, in the event of an emergency situation, the Electoral Board is required to find a new location with prior approval of the State Board of Elections, was before Council.

Mr. Harris offered the following emergency ordinance:

(#35607-101801) AN ORDINANCE temporarily changing the polling place for Jefferson Precinct No. 2 from the National Guard Armory Building on Reserve Avenue, S. W., to the Roanoke City Schools Maintenance Building, at 250 Reserve Avenue, S. W.; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page197.)

Mr. Harris moved the adoption of Ordinance No. 35607-101801. The motion was seconded by **Mr. Carder**.

Question was raised in regard to parking accommodations; wherupon, the City Registrar advised that parking has been addressed along with other ADA issues, and school employee parking is available adjacent to the building which will be reserved for voters. She stated that a space will be designated for disabled parking, along with appropriate signage directing voters to the school maintenance building.

Ordinance No. 35607-101801 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-HOUSING/AUTHORITY: The City Manager submitted a communication advising that as part of its ongoing efforts to improve public housing at the Lincoln Terrace Development, the Roanoke Redevelopment and Housing Authority applied for and has been awarded a \$15.1 million HOPE VI Revitalization Grant from the U. S. Department of Housing and Urban Development (“HUD”); in support of the Housing Authority HOPE VI application, the City committed to provide up to \$3 million in financial assistance from Federal and local funding sources for (1) infrastructure costs (\$2.1 million) of the Lincoln 2000/HOPE VI Project and (2) housing rehabilitation and construction funding (\$900,000.00) in the Washington Park neighborhood (the \$900,000.00 for housing assistance is being handled through separate agreements with the Housing Authority); infrastructure funding to be provided by the City will support improvements in public rights-of-way and publicly dedicated easements, including but not limited to, construction and reconstruction of streets, curbs, gutters and sidewalks and water and sewer utilities; pursuant to Ordinance 35262-040201 and Resolution No. 35263-040201, Council authorized execution of the original agreement dated July 1, 2000, providing \$600,000.00 from Federal and local funding sources; and Amendment No. 1 extended the agreement period from September 30, 2001 to December 30, 2001.

It was further advised that the City will provide the Housing Authority with a total of \$2.1 million for infrastructure improvements in three yearly installments, with the \$750,000.00 covered by this letter being the second installment; funds for the second installment have been identified in General Fund and Community Development Block Grant (“CDBG”) program funds and from Retained Earnings in the Water Fund and Sewer Fund; and specific amounts and sources are as follows:

<u>Source</u>	<u>Account Name</u>	<u>Amount</u>
CDBG	Infrastructure	\$265,000.00
General Fund	Street Paving	\$100,000.00
Sewer Fund	Retained Earnings	\$336,000.00
Water Fund	Retained Earnings	\$ 49,000.00

The City Manager recommended that Council authorize the following actions:

Execution of Amendment No. 2 to the 2000 - 01 CDBG Agreement with the Housing Authority, approved as to form by the City Attorney;

Appropriation of funds in the amount of \$336,000.00 from Sewer Fund Retained Earnings and \$49,000.00 from Water Fund Retained Earnings

to accounts in each respective fund entitled, “Lincoln 2000/HOPE VI Infrastructure”, CDBG funds having been previously appropriated to the proper account; and

Transfer \$100,000.00 from Street Paving, Account No. 001-530-4120-2010, to Transfer to Capital Projects Fund, Account No. 001-250-9310-9508, and appropriate said funds in the Capital Projects Fund, Account No. 008-410-9626-9003.

Mr. White offered the following emergency budget ordinance:

(#35608-101801) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General, Water, Sewage Treatment, and Capital Projects Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 198.)

Mr. White moved the adoption of Ordinance No. 35608-101801. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#35609-101801) A RESOLUTION authorizing the appropriate City officials to execute Amendment No. 2 to the 2000-2001 Agreement with the City of Roanoke Redevelopment and Housing Authority, providing funding for infrastructure improvements associated with the Lincoln 2000/HOPE VI Community Revitalization Program Project, upon certain terms and conditions, and describing the scope of services in greater detail.

(For full text of Resolution, see Resolution Book No. 65, page 201.)

Mr. Carder moved the adoption of Resolution No. 35609-101801. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was out of the Council Chamber.)

POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that in 1991, the Virginia General Assembly passed State legislation allowing local law enforcement to seize and take possession of forfeited property connected with illegal narcotics distribution; the law also makes it possible for Police Departments to receive proceeds from forfeited properties; application for an equitable share of property seized by local law enforcement must be made to the Department of Criminal Justice Services, Forfeited Asset Sharing Program, and certified by the Chief of Police; property, including funds shared with State and local agencies may be used only for Law Enforcement purposes; program requirements include that funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; revenues collected for the grant are recorded in Grant Fund Account Nos. 035-035-1234-7133 and 035-035-1234-7270; and monies received in excess of estimated funding total \$75,211.00.

The City Manager recommended that Council appropriate \$75,211.00 to certain Grant Fund accounts to be established by the Director of Finance, and establish revenue estimates of \$75,211.00.

Mr. Hudson offered the following emergency budget ordinance:

(#35610-101801) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 201.)

Mr. Hudson moved the adoption of Ordinance No. 35610-101801. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was out of the Council Chamber.)

BUDGET-PARKS AND RECREATION: The City Manager submitted a communication with regard to a project that consists of improvements to seven City park softball/baseball fields (Huff Lane Park – Fields 1 and 2, Strauss Park, Westside Ballfield – Field 1, Garden City Park, Norwich Park, Jackson Park and Preston Park). She advised that after proper advertisement, one bid was received from Breakell, Inc., in the amount of \$313,749.00 for the base bids; and bid were received for the following five additive bid items, with items 1, 2 and 4, in the amount of \$48,582.00, to

be included in the project:

Additive Bid Item No. 1: Provide Baseball/Softball Field #2 at Preston Park in the amount of \$29,318.00.

Additive Bid Item No. 2: Provide concrete stairs for field access at Preston Park in the amount of \$5,591.00.

Additive Bid Item No. 4: Provide an irrigation system for new Ballfield #2 at Huff Lane Park in the amount of \$13,673.00.

It was noted that funding is available in Baseball/Softball Field Improvements, Account No. 008-620-9737, in the amount of \$255,000.00; the project will require additional funding, in the amount of \$142,000.00, from Baseball/Softball Lighting Account No. 008-620-9736-9001; total funding required for the project is \$397,000.00; and additional funding in excess of the contract amount will be used for miscellaneous project expenses, including advertising, printing, testing services, minor variations in bid quantities and unforeseen project expenses.

The City Manager recommended that Council accept the bid and that she be authorized to execute a contract with Breakell, Inc., in amount of \$362,331.00 (consisting of \$313,749.00 for the Base Bid, \$29,318.00 for Additive Bid Item No. 1, \$5,591.00 for Additive Bid Item No. 2, and \$13,673.00 for Additive Bid Item No. 4), with 190 consecutive calendar days of contract time; and transfer \$142,000.00 from Baseball/Softball Lighting, Account No. 008-620-9736-9001, to Baseball/Softball Field Improvements, Account No. 008-620-9737-9001.

Mr. Hudson offered the following emergency budget ordinance:

(#35611-101801) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 203.)

Mr. Hudson moved the adoption of Ordinance No. 35611-101801. The motion was seconded by Mr. White and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Carder abstained from voting due to a conflict of interest in connection with a business relationship with Breakell, Inc.)

Mr. Harris offered the following emergency ordinance:

(#35612-101801) AN ORDINANCE accepting the bid of Breakell, Inc., for improvements to City softball/baseball fields, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 204.)

Mr. Harris moved the adoption of Ordinance No. 35612-101801. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Carder abstained from voting due to a conflict of interest in connection with a business relationship with Breakell, Inc.)

BUDGET-FIFTH DISTRICT EMPLOYMENT AND TRAINING CONSORTIUM: The City Manager submitted a communication advising that the Fifth District Employment and Training Consortium (FDETC) administers the Federally funded Workforce Investment Act (WIA) for the region, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Covington, Roanoke, and Salem; and WIA funding is intended for two primary client populations: dislocated workers who have been laid off from employment through no fault of their own, and economically disadvantaged individuals as determined by household income guidelines established by the U.S. Department of Labor.

It was further advised that the City of Roanoke is the grant recipient and fiscal agent for Consortium funding, thus, Council must appropriate funding for all grants and other monies received by the Consortium.

It was explained that the state office of the Virginia Employment Commission (VEC) has sent the Consortium Notice of Obligation for carry over Job Training Partnership Act (JTPA) funds for Program Year 1999, for WIA programs; carry over funds converted to WIA on July 1, 2000, will be subject to requirements of the WIA; funds have been held by the state office of the VEC until the Department of Labor approved the final JTPA close out; and the following funds must be expended prior to June 30, 2002.

Adult Programs	\$ 29,299.00
Youth Programs	43,927.00
Dislocated Worker Programs	<u>59,398.00</u>
 Total	 <u>\$ 132,624.00</u>

The City Manager recommended that Council appropriate Consortium funding totaling \$132,624.00 and increase the revenue estimate by \$132,624.00 in accounts to be established by the Director of Finance.

Mr. Hudson offered the following emergency budget ordinance:

(#35613-101801) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Consortium Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 205.)

Mr. Hudson moved the adoption of Ordinance No. 35613-101801. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

GENERAL SERVICES-PUBLIC WORKS-UTILITY LINE SERVICES-EQUIPMENT:
The City Manager submitted a communication advising that bids were requested for rental uniform service for designated City employees in the Departments of Public Works, General Services and Utilities; three bids were received and evaluated in a consistent manner based on required specifications; and the lowest bid meeting bid specifications was submitted by Aramark Uniform & Career Apparel, Inc., at a cost of \$4.68 per employee per week, or an estimated yearly cost of \$119,080.88.

The City Manager recommended that Council authorize issuance of purchase order(s) to Aramark Uniform & Career Apparel, Inc., for the rental of employee uniforms for a period of one year, with the option to renew for four additional one year periods, and reject all other bids received by the City.

Mr. Carder offered the following resolution:

(#35614-101801) A RESOLUTION accepting the bid of Aramark Uniform & Career Apparel, Inc. for rental uniform service for designated employees of the City upon certain terms and conditions, and rejecting all other bids made to the City.

(For full text of Resolution, see Resolution Book No. 65, page 206.)

Mr. Carder moved the adoption of Resolution No. 35614-101801. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

PAY PLAN-CITY EMPLOYEES: The City Manager having submitted a communication with regard to special military leave pay, she requested that the matter be tabled until the next regular meeting of Council on Monday, November 5, 2001, at 2:00 p.m., in order to respond to a question raised by a Member of Council.

Mr. Harris moved that the matter be tabled until the next regular meeting of Council on Monday, November 5, 2001, at 2:00 p.m. The motion was seconded by Mr. Bestpitch and unanimously adopted.

CITY CODE-SPECIAL PERMITS-FEE COMPENDIUM: The City Manager submitted a communication advising that on-street parking within many areas of the City is shared between surrounding residential and commercial properties; due to high parking demands and limited parking supply, some areas experience difficulties maintaining an adequate availability of on-street parking; residents within these areas are often times unable to park within a reasonable distance of their home and the infiltration of commercial (office, retail and special event) parking into these residential areas can adversely affect the character of the neighborhood; neighborhoods most frequently affected include Gainsboro, Beechwood Gardens, Old Southwest and certain neighborhoods in Raleigh Court; traditional parking regulations currently contained in the City Code are limited in their ability to adequately address these situations; development and support of mixed use village centers is a goal within the City's recently adopted Comprehensive Plan; therefore, the need to adequately address parking in mixed use areas is a current and future problem that must be addressed.

It was further advised that other cities in Virginia (Charlottesville, Richmond, Blacksburg and others) have implemented the use of a special permit parking to better manage such issues; permits are used to make certain exceptions for local

residents when establishing on-street parking restrictions; it is important to note that this is a resident initiated program and has been reviewed by the Steering Committee of the Roanoke Neighborhood Partnership; and those who wish to have such parking restrictions will petition the City and neighborhood input will be sought before designations are made.

It was explained that based on the review of other permit parking programs within the state and consideration of the conditions within Roanoke, City staff has prepared a recommended City Code amendment to establish a residential parking permit provision which would allow the City Manager to establish permit parking areas within the City; prior to such designation, on behalf of the City Manager, the Roanoke Neighborhood Partnership will coordinate the scheduling and advertising of at least one community meeting designed to ensure that individuals, neighborhood groups and businesses, especially those in affected areas, are aware of the proposal and have the opportunity to provide feedback and recommendations on the issue; the permit parking regulations would exempt valid permit holders from the parking restriction or prohibition as posted (for example, the restriction could state two hour parking except by permit); an adult citizen residing in a household that fronts the affected area may obtain permits for the household; such permits would include two visitor passes and a permit for each vehicle registered at the address (not to exceed a maximum of four annual permits); proposed fee for parking permits is \$5.00 annually per household and replacement permits are \$1.00; and establishment of the Residential Parking Permit Program should improve the City's ability to better manage parking in difficult situations.

The City Manager recommended that Council authorize amendment of the City Code by the addition of Section 2, Residential Parking Permits, to Article IV, Stopping, Standing and Parking, of Chapter 20, Motor Vehicles and Traffic, to establish a Residential Parking Permit Program; and amend the City's Fee Compendium to provide for permit fees.

Mr. Harris offered the following emergency ordinance:

(#35615-101801) AN ORDINANCE amending the Code of the City of Roanoke (1979), as amended, by adding a new Division 2, Residential Parking Permits, to Article IV, Stopping, Standing and Parking, Chapter 20, Motor Vehicles and Traffic, to establish a procedure for creation of a residential parking permit system, amending the City's fee compendium to establish certain fees for permits; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 207.)

Mr. Harris moved the adoption of Ordinance No. 35615-101801. The motion was seconded by Mr. Carder.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., complimented the City on establishing the residential parking program which has been under discussion for a number of years; however, she advised that that portion of the administrative procedures identified as Residential Permit Parking Draft Administrative Procedures. “ Parking Study,” is somewhat cumbersome and unusually harsh and should receive further study by city staff.

Ordinance No. 34615-101801 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

COMMITTEES-INDUSTRIES: Mr. Carder offered the following resolution reappointing William L. Bova as a Director of the Industrial Development Authority for a term ending October 20, 2005:

(#35616-101801) A RESOLUTION reappointing a Director of the Industrial Development Authority of the City of Roanoke, to fill a four (4) year term on the Board of Directors.

(For full text of Resolution, see Resolution Book No. 65, page 212.)

Mr. Carder moved the adoption of Resolution No. 35611-101801. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, White, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was out of the Council Chamber.)

COMMITTEES-INDUSTRIES: Mr. Harris offered the following resolution reappointing S. Deborah Oyler as a Director of the Industrial Development Authority for a term ending October 20, 2005:

(#35617-101801) A RESOLUTION reappointing a Director of the Industrial Development Authority of the City of Roanoke, to fill a four (4) year term on the Board of Directors.

(For full text of Resolution, see Resolution Book No. 65, page 212.)

Mr. Harris moved the adoption of Resolution No. 35617-101801. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was out of the Council Chamber)

CITY EMPLOYEES-MUNICIPAL AUDITOR: Mr. White offered the following resolution appointing Troy A. Harmon as Municipal Auditor for the City of Roanoke, effective October 18, 2001, for a term ending September 30, 2002:

(#35618-101801) A RESOLUTION electing and appointing Troy A. Harmon as Municipal Auditor for the City of Roanoke, and ratifying the terms and conditions of employment as Municipal Auditor offered to Mr. Harmon.

(For full text of Resolution, see Resolution Book No. 65, page 213.)

Mr. White moved the adoption of Resolution No. 35618-101801. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was out of the Council Chamber.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

COUNCIL: Council Member White commended his fellow Council members on their participation in a Planning Retreat which was held on October 3, 2001, at Apple Ridge Farm and encouraged Council to continue to engage in similar work sessions/retreats.

FIRST CITIES COALITION: Vice-Mayor Carder referred to a meeting of the first Cities Coalition which was held during the Annual conference of the Virginia

Municipal League on October 14 - 16, 2001. He advised that the Coalition is composed of 14 cities that face similar problems in terms of State funding inequities, and noted that meetings of the Coalition will be scheduled in the near future.

REMARKS BY THE CITY MANAGER: None.

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred, without objection by Council, for response, report and recommendation to Council.

ANIMALS/ INSECTS-COMPLAINTS: Mrs. Joseph Lawson, 3151 West Ridge Road, S. W., addressed Council with regard to the over population of deer within the limits of the City of Roanoke, causing damage to private property. She advised that she lives in a high traffic area of the City, there are safety issues for the deer as well as for motorists, and requested that the City take measures to alleviate the deer over population.

Mr. Harris stated that the City has compiled data on the deer population and associated problems and requested that Council be provided with written information, along with procedures used by other urban areas to address deer over population. He added that the matter is of increasing concern because the deer population is not being controlled by the hunting season.

Mr. Harris moved that the matter be referred to the City Manager for report to Council, including information regarding the City's deer population, action taken by other urban jurisdictions to control the deer population; and recommendations on proposed actions to be taken by the City. The motion was seconded by Mr. Hudson and adopted.

The City Manager advised that the matter will be discussed at Council's Work Session scheduled for Monday, October 29, 2001, at 12:15 p.m., in the Emergency Operations Center Conference Room, Room 159.

COMPLAINTS-TRAFFIC: Ms. Amy Cosner, 4004 High Acres Road, N. W., addressed Council with regard to anti-abortionist protestors who frequent Peters Creek Road, N. W., on a daily basis. She advised that the protestors walk on both sides of Peters Creek Road with their children and signage, disrupting traffic and disrupting motorists, all of which represent a safety hazard to the protestors, motorists and innocent children. She stated that such protesting is a form of terrorism and hatred which she personally finds offensive and inquired if the protestor have obtained an assembly permit from the City.

Without objection by Council, the Mayor advised that the remarks of Ms. Cosner would be referred to the City Manager.

Ms. Wyatt expressed concern with regard to safety issues, especially those relating to children; whereupon, she requested that the City Attorney address the matter.

The City Attorney called attention to a provision in the City Code which requires permits for various types of public assemblies; however, the provision is inadequate and outdated and previous City Managers have directed that the Police Department not enforce the provision. He stated that for some time, a committee has been working on the draft of a more practical ordinance, numerous drafts have been prepared to date, and it is difficult to formulate an ordinance that is not overly restrictive, yet achieves the needs of the City to insure the safety of its citizens. He explained that a generic type of ordinance is being prepared in an effort to isolate those things that the City has a legitimate need to regulate.

At 3:50 p.m., the Mayor declared the meeting in recess for three closed sessions.

At 4:55 p.m., the meeting reconvened in the Council Chamber, with all Members of the Council in attendance, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-OATHS OF OFFICE -ROANOKE NEIGHBORHOOD PARTNERSHIP: The Mayor advised that the terms of office of Paula L. Prince, James Armstrong, Charles W. Hancock, Stark H. Jones, George M. Mcmillan, Richard J. Nichols, Henry Scholz, Fredrick M. (Rick) Williams, Barbara N. Duerk and S. Elaina Loritts as members of the Roanoke Neighborhood Partnership Steering Committee will expire on November 30, 2001, and called for nominations to fill the vacancies.

Mr. Harris placed in nomination the names of Ms. Prince, Mr. Armstrong, Mr. Hancock, Mr. Jones, Mr. McMillian, Mr. Nichols, Mr. Scholoz, and Mr. Williams.

There being no further nominations, Ms. Prince, Mr. Armstrong, Mr. Jones, Mr. McMillan, Mr. Nichols, Mr. Scholz, and Mr. Williams were reappointed for terms ending November 30, 2004; and Mr. Hancock was reappointed for a term ending November 30, 2002, as members of the Roanoke Neighborhood Partnership Steering Committee, by the following vote:

FOR MS. PRINCE, MR. ARMSTRONG, MR. HANCOCK, MR. JONES, MR. MCMILLAN, MR. NICHOLS, MR. SCHOLZ, AND MR. WILLIAMS: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris and Mayor Smith-----7.

COMMITTEES-HUMAN RESOURCES-OATHS OF OFFICE: The Mayor advised that the term of office of Courtney Penn as a member of the Advisory Board of Human Development will expire on November 30, 2001, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Courtney Penn.

There being no further nominations, Mr. Penn was reappointed as a member of the Advisory Board of Human Development for a term ending November 30, 2005, by the following vote:

FOR MR. PENN: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris and Mayor Smith-----7.

COMMITTEES-HUMAN SERVICES COMMITTEE: The Mayor advised that there is a vacancy on the Human Services Committee created by the resignation of Katherine M. McCain and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Judy Jackson.

There being no further nomination, Ms. Jackson was appointed as a member of the Human Services Committee for a term ending June 30, 2002, by the following vote:

FOR MS. JACKSON: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris and Mayor Smith-----7.

COMMITTEES- OATHS OF OFFICE- LIBRARIES: The Mayor advised that there is a vacancy on the Roanoke Arts Commission created by the resignation of Rita D. Bishop and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Frank J. Eastburn.

There being no further nominations, Mr. Eastburn was appointed as member of the Roanoke Arts Commission to fill the unexpired term of Rita D. Bishop, ending June 30, 2002, by the following vote:

FOR MR. EASTBURN: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris and Mayor Smith-----7.

At 4:55p.m., the Mayor declared the Council meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, for a joint meeting of City Council and the Roanoke Redevelopment and Housing Authority.

A joint meeting of the Roanoke City Council and the City of Raonoke Redevelopment and Housing Authority was called to order on Thursday, October 18, 2001, at 5:00 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., with Mayor Ralph K. Smith and Chairman Willis M. Anderson presiding.

CITY COUNCIL MEMBERS PRESENT: William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

HOUSING AUTHORITY COMMISSIONERS PRESENT: Carolyn M. Bumbry, Ben J. Fink, Joseph F. Lynn, Christie L. Meredith and Chairman Willis M. Anderson-----5.

ABSENT: H. Victor Gilchrist and James W. Burks, Jr.-----2.

HOUSING/AUTHORITY: Following dinner, the business session convened at 5:30 p.m. Chairman Anderson expressed appreciation for the opportunity to meet with Council. He stated that the Housing Authority is approximately one-half century old and is committed to enforcing enabling legislation adopted by the General Assembly of Virginia. He state that over the years, the Authority has been one of the City's most important partners; it is a political subdivision of the Commonwealth of

Virginia with many specified duties and powers, including the power to incur debt, issue bonds in the name of the Housing Authority, exercise the power of imminent domain, and undertake projects at the City's request and on the Housing Authority's own initiative with Council approval. He called upon Housing Authority Commissioners to present various project updates.

South Jefferson Redevelopment Area:

Commissioner Meredith advised that the South Jefferson Redevelopment area is a \$14 million project, and over the first three years, \$14 million will be spent on relocating businesses, demolition of buildings, acquisition of properties and remediation of environmental issues. She stated that all of the parcels of land in the initial site have been appraised, with purchase offers and two purchases have been finalized; and in the Spring of 2002, Carilion Hospital will begin construction of a day care center, a 1,000 space parking deck and a credit union. She advised that the Housing Authority and owners of the properties met with environmental consultants and the Department of Environmental Quality on voluntary remediation and all property owners in the area have agreed to participate, it is hoped that the Department of Environmental Quality will approve a voluntary remediation plan and that all proposals will pass contamination issues, with voluntary remediation saving in the range of \$400,000.00 - \$600,000.00. She displayed design themes to be used in the South Jefferson redevelopment area.

Ms. Meredith presented an update on the Virginia Rail Passenger Station, and the Depot Feed and Seed Store which is currently owned by Norfolk Southern Railway and was subsequently damaged by fire earlier this year. She advised that the Roanoke Valley Preservation Foundation would like to purchase the property for sale to another entity, possibly the Roanoke Chapter of the National Rail Historical Society, for development as a museum. She stated that the property is currently assessed at \$13.9 million which generates approximately \$47,000.00 per year in taxes, and once build out is complete for the entire project, the new assessment will be \$440 million, with annual real estate taxes projected to be in the range of \$4.4 million per year.

Eight Jefferson Place:

Commissioner Lynn advised that Eight Jefferson place is the first of its nature to be undertaken; it is a \$10.5 million project, involving construction of 87 market rate units for downtown housing, consisting of one and two bedroom apartments, and renting at approximately \$1,000.00 per month. He stated that the project provides market rate housing, it is an economic development project, financing is in place, construction has commenced, and occupancy will occur in the summer of 2002, with

the goal of renting all units within nine months of completion. He advised that the project will aid specifically in the development of new business enterprise for persons who are interested in downtown housing and will establish a customer base for downtown businesses, thereby increasing the City's tax base.

Lincoln 2000:

Commissioner Bumbry advised that she is a resident of Lincoln Terrace and as of this date, 45 new units have been rehabilitated and are currently occupied, another four units are ahead of schedule and demolition of Lincoln 2000 is approximately one half complete, with 69 units already razed and 76 yet to be razed. She stated that relocation in Lincoln Terrace has progressed and no tenant had to be displaced due to construction. She called attention to a partnership with Blue Ridge Housing Development Corporation that constructed two houses off site on Dunbar Street, one of which was purchased by a Lansdowne resident; and 14 new duplex units will soon be constructed, ten of which will be fully handicap accessible and four will be lease/purchase units. She reviewed aspects of the "Upward Mobility Through Public Housing" program which is administered in Lincoln Terrace and explained that residents are encouraged to sign a contract stating that they will participate in the program which is designed to help residents move out of public housing into a home of their own. She stated that 44 residents are under contract for participation out of a total of 46 eligible participants, participants must have incomes of \$15,000.00 per year, and five Lincoln Terrace families have purchased homes since the Lincoln 2000 program was initiated.

Ms. Troy Long, a participant in the "Upward Mobility Through Public Housing" program advised that the program has helped to provide the necessary funds to enable her to go back to school, and she was accepted in the Virginia Western Community College Nursing Program. She added that, overall, the program has been successful and most of the participating residents are trying to make a better life.

What the Housing Authority Brings:

Commissioner Fink advised that the Housing Authority operates pursuant to the Code of Virginia to develop and operate housing projects, to serve as a partner with the City, to study areas of the City where blight might exist, to serve as the City's agent, and to implement the City's Vision Plan. He stated that the Housing Authority has specific authority under State Code to purchase property from private and public development in blighted area to be used for low income housing, and the Housing Authority can make loans and grants for construction or rehabilitation of residential, commercial, institutional or industrial properties, a prime example of which is the Roanoke Higher Education Center. He further stated that the Housing Authority can

issue revenue bonds, such as that which was done for the Hotel Roanoke Conference Center; the Housing Authority can borrow money to carry out programs such as the Neighborhood Rehabilitation Loan Program; it can form corporations, partnerships, joints ventures, trusts or any other legal entities in order to carry out programs and projects, one of which is the Eight Jefferson Place Project; the Housing Authority can create and implement neighborhood revitalization programs for the City; develop residential commercial properties, purchase properties, relocate residents , businesses, clear, sell or release property; address difficult environmental matters and solutions to potential environmental issues, such as the voluntary remediation program previously discussed for the South Jefferson Street area; operate low income housing, create innovative opportunities for low income families and obtain Federal and other funds for local programs such as the HOPE VI Project. He advised that the Housing Authority can create partnerships, provide mediation and facilitation, assist with real estate projects and neighborhood needs, develop effective programs for revitalization, and coordinate implementation of housing programs among local nonprofit housing providers so as to provide the best leverage resources, in conjunction with a staff of professionals representing numerous talents. He spoke in support of a Housing Authority liaison program with City Council in order to work closer with Council and the City administration to insure that the two entities do not work at cross purposes and that priorities are known and understood by all. He proposed a program in which Housing Authority Commissioners and City Council Members would meet to discuss priorities and expectations.

Marketing Rate Housing Efforts:

Executive Director John Baker advised that the Housing Authority is as interested in market rate housing as it is in all other aspects of housing in the City of Roanoke. He stated that it is important for the Housing Authority to meet the needs of low income families, but it is equally important for the health of the City to provide housing diversity, and an inventory of market rate housing is necessary to provide a healthy City for families of low income. He added that the Housing Authority supports the opportunity for families to move out of public housing and into more standard market rate housing which is the philosophy behind the Lincoln Terrace model. He noted that the Eight Jefferson Place Project is an economic development project as much as a housing project and offers an opportunity to provide another type of inventory of housing when businesses are trying to attract employees, or when the City is trying to attract new business's into the area. He state that market rate housing is an important part of the many programs that the Housing Authority wishes to operate by working with the City administration and City Council to insure that both groups are proceeding in the right direction and that the Housing Authority implements those plans and policies established by Council.

Council Member Harris, Council's liaison to the Roanoke Redevelopment and Housing Authority, advised that he meets monthly with Mr. Baker and Mr. Anderson for updates on pertinent projects, and requested that Council Members convey questions or concerns on housing issues to him as Council's liaison representative to the Housing Authority. He echoed the sentiments of Council Members that projects highlighted by the Housing Authority are creditable, important and exciting to the community. He addressed a concept to strengthen the relationship between City Council and the Board of Commissioners of the Housing Authority as a result of dialogue and input by Council Members, with the goal of transitioning to a more effective working relationship. He stated that other avenues of cooperation could be to expand the business breakfasts to include one additional member of City Council and one additional member of the Housing Authority Board of Commissioners; inasmuch as there are seven members of City Council and seven Housing Authority Commissioners, there could be a one on one rotating relationship/partnership with one member of the Housing Authority and one member of City Council meeting periodically to provide each other with feedback; a more intensive type of meeting with the Housing Authority could be held to discuss general matters and direction which would be more indepth and free flowing than the current meeting structure, and either annually or semi-annually the two bodies could engage in a one-half day retreat to discuss issues of economic development, public housing, market rate housing, etc. He stated that the above represent ideas that he would like to discuss with his colleagues on City Council and encouraged the Housing Authority to do likewise. He stated that the Housing Authority is moving in the right direction and there appears to be good communication between the City Manager and her staff and the Executive Director and his staff.

The City Manager advised that she, along with City staff, would welcome the opportunity to present briefings to the Housing Authority on any City item of interest.

Ms. Wyatt encouraged the Housing Authority to investigate more ways to occupy children during that period of time when school is dismissed until their parents arrive home from work.

OTHER BUSINESS: None:

There being no further business, at 6:40 p.m., the Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

On Thursday, October 18, 2001, at 7:00 p.m., the Roanoke City Council reconvened in regular session in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Thursday, October 18, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Sherman W. Chisom that an unused, unpaved and unimproved alleyway running in an east/west direction between 10 ½ Street and 11th Street, S. E., between properties identified as Official Tax Nos. 4111317 and 4111303, for a distance of approximately 130 feet in a westerly direction from 11th Street, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, September 28, 2001 and Friday, October 5, 2001, and The Roanoke Tribune Thursday, October 4, 2001.

Evelyn S. Lander, Agent, City Planning Commission, presented a written report of the City Planning Commission, and advised that due to an error in describing the alley to be closed in the legal advertisement, the Planning Commission considered the request at its meeting this afternoon. She explained that the petitioner is requesting that a portion of the undeveloped alley be closed because of lack of maintenance and vagrant issues; the heavily vegetated alley extends over a steep hill between 10 ½ and 11th Streets and the remainder of the alley (not requested for closure at 10 ½ Street) has been partially covered with gravel.

She advised that the City Planning Commission recommends that Council approve the request to vacate, discontinue and close the alley as above described.

Mr. White offered the following emergency ordinance:

(#35619-101801) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 215.)

Mr. White moved the adoption of Ordinance No. 35619-101801. The motion was seconded by Mr. Carder.

Sherman W. Chrisom, Spokesperson, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter. There being none, Ordinance No. 35619-101801 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Thursday, October 18, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the Times-World Corporation that a portion of Salem Avenue, S. W., near its intersection with Second Street, being approximately five feet wide and 35 feet long, lying on the south side of Salem Avenue, and shown on the "Right of Way Easement and Vacation Plat for The Roanoke Times," prepared by Caldwell White Associates, and dated August 22, 2001, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, September 28, 2001, and Friday, October 5, 2001, and The Roanoke Tribune Thursday, October 4, 2001.

Evelyn S. Lander, Agent, City Planning Commission, advised that the City Planning Commission considered the street closure request at its afternoon session and pursuant to a vote of 7 - 0, the Planning Commission recommended approval of the request. She explained that the City Planning Commission added a condition that the applicant bear the cost of relocating the excising fire hydrant and traffic signal cabinet, which is currently in the right-of-way, if it is deemed necessary and recommended that the City sell the right-of-way at its fair market value. She referred to four measures currently before Council: (1) an option to close the right-of-way without additional conditions or sale of right-of-way; (2) an option to close the right-of-way with the added condition that the fire hydrant and traffic signal cabinet be relocated, if necessary, with sale of the right-of-way (3) an option to relocate the fire hydrant and the signal cabinet without the sale of right-of-way and (4) an option to relocate the fire hydrant and the signal cabinet with the sale of right-of-way.

Ms. Lander called attention to a report from the City Planning Commission which was included in Council's agenda packet that detailed the entire request, with the statement that the Planning Commission would consider the matter at its afternoon session today and advise Council at its evening meeting of the Planning Commission's recommendation.

Mr. White expressed concern that he did not have access to the written report containing the recommendation of the City Planning Commission prior to the Council meeting.

The City Attorney clarified that the recommendation of the City Planning Commission is to approve the vacation of the right-of-way, thereby requiring the applicant to purchase the right-of-way and to pay for relocating a fire hydrant and traffic signal cabinet, if necessary.

Mr. Bestpitch offered the following ordinance:

"AN ORDINANCE permanently vacating , discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance."

The motion was seconded by Mr. Carder.

Daniel F. Layman, Jr., Attorney, representing the petitioner, advised that the Times World Corporation has no objection to the provision of the ordinance as recommended by the City Planning Commission, although project right-of-way has been comparatively unusual in the City of Roanoke. He stated that his client is agreeable to paying the cost of moving the utilities, however, there has been

considerable discussion between representatives of the Times World Corporation and the City's Engineering Department that there may be some sharing of costs if the City takes this opportunity to do certain things that are not necessarily caused by the Times World Project, but because it is a good time to take such actions; for example: the traffic signal control cabinet may not have to be moved because of the Times World Project, but because the City might elect to raise the signal cabinet out of the flood level and would choose this opportunity to do so.

Ms. Wyatt expressed concern with not the procedure, but with the timeliness of the procedure. She stated that she had not received the written recommendation of the City Planning Commission in sufficient time to give the matter the thorough attention that it deserves, therefore, she was uncomfortable in continuing with the process and in making a decision regarding information that she had not had sufficient time to read or understand. She added that her position has nothing to do with whether she is for or against the Times World project, but the timeliness of receiving information from the City Planning Commission.

The Mayor inquired if it was critical that the matter be acted upon this evening; whereupon, the City Manager advised that because reports were submitted and forwarded to Council without the recommendation of the City Planning Commission, but clearly provided all background information as to the issues, it was the belief of City staff that with the City Planning Commission's recommendation coming forth this evening, Council might be in a position to take action; however, if Council is not comfortable in doing so, the petitioners and all other parties to the matter would prefer to give Council adequate time in which to make the proper assessment. She stated that reports were submitted on each public hearing item providing Council with all of the background information, except the recommendation of the City Planning Commission, prior to the Council meeting.

The Mayor inquired if there were citizens who wished to be heard; whereupon, Mr. Martin Jeffrey, 3912 Hyde Park Drive, S. W., Roanoke County, advised that Council, the City of Roanoke and the United States of America, in response to the terrorists attacks on New York and Washington, D. C., on September 11, 2001, have elevated God front and center.

The Mayor requested that Mr. Jeffrey keep his remarks germane to the public hearing.

Mr. Jeffrey advised that there are three public hearings on the agenda this evening regarding The Roanoke Times and its expansion project, this being one of those items, and proceeded to read Bible scripture; whereupon, the Mayor ruled Mr. Jeffrey out of order inasmuch as his remarks were not germane to the topic of the public hearing and declared a ten minute recess.

Following the recess, Vice-Mayor Carder advised that the City Planning Commission has recommended abandonment of an easement of 168 square feet at a minimal price, it did not make sense to delay a \$30 million project for a minimal amount and encouraged Council to act on the matter as soon as possible.

Mr. White advised that under normal circumstances, he would agree with Vice-Mayor Carder, however, since there has been confusion regarding information before the Council, four different versions of an ordinance, and a question with regard to sharing costs on moving utilities, he would encourage Council to delay action on the matter until a later date.

Mr. Hudson concurred in the remarks of Council Members White and Wyatt inasmuch as Council has not had sufficient time to study the recommendation of the City Planning Commission.

Following discussion, Mr. Layman advised that the Times World Corporation does not wish to be perceived as rushing through the process or placing Council Members in an awkward situation; therefore, the Times World Corporation would be willing to continue the matter until the next regular meeting of Council.

Ms. Wyatt requested the privilege of offering a substitute motion; whereupon, the Mayor called upon the City Attorney for a ruling as to whether a substitute motion was in order. The City Attorney advised that it would be appropriate to proceed with the roll call on the ordinance.

Inasmuch as five affirmative votes are required for adoption of an ordinance dispensing with the second reading of the title paragraph, the ordinance was lost by the following vote:

AYES: Council Members Bestpitch, Carder, Harris and Mayor Smith-----4.

NAYS: Council Members White, Hudson and Wyatt-----3.

The Mayor declared the public hearing closed.

EASEMENTS-NEWSPAPERS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Thursday, October 18, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to vacate a utility easement across four parcels of land along Second Street, S. W., identified as Official Tax Nos. 1011001-1011004, inclusive, in connection with the Times-World Corporation expansion, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, October 7, 2001, and The Roanoke Tribune on Thursday, October 4, 2001.

A communication from the City Manager advising that the Times-World Corporation, a subsidiary of Landmark Communications, Inc., has been publishing newspapers from its present location in downtown Roanoke since 1914; a major expansion was completed in 1984; a new production facility is proposed on property across Second Street; a request to abandon an easement across four parcels of land along Second Street has been received from the Times-World Corporation; the parcels are identified as Official Tax Nos. 1011001, 1011002, 1011003, and 1011004; the subject easement was acquired as part of the Second Street/Gainsboro Road Project and is described as a permanent utility easement for C & P Telephone Company of Virginia and the City of Roanoke; as successor to C & P, Verizon has agreed to abandon its rights to the easement; and Engineering staff recommends that the easement be vacated, was before Council.

Following the public hearing, the City Manager recommended that Council authorize vacation of the easement.

Mr. Bestpitch offered the following ordinance:

“AN ORDINANCE authorizing the vacation of an easement on property identified as Official Tax Map Nos. 1011001, 1011002, 1011003, and 1011004 adjacent to Second Street, S. W., upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.”

Mr. Bestpitch moved the adoption of the ordinance. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter; whereupon, Mr. Martin Jeffrey, 3912 Hyde Park Drive, S. W., Roanoke County, requested a definition of the word “germane.” The Mayor responded that the word germane means to address the subject under discussion by Council.

Mr. Jeffrey requested that Council vote no on the item inasmuch as it represents a fundamental erosion of public trust and integrity and moves forward on the Times World project, a project to which the City gave \$500, 000.00 to a multi-million dollar operation. He called attention to concerns about the slanting of news relative to Roanoke City government since the decision was made and easements were applied for; there are concerns in the community regarding the nature of the relationship between the City of Roanoke and the Times World Corporation and what the City of Roanoke might receive in exchange for the \$500,000.00. He referred to the concerns expressed by of Mr. Roger Roberts regarding the impact of the project upon his property investment and that Mr. Roberts was not informed of plans of the Times World Corporation prior to investing thousands of dollars in his property. He stated that to grant the request of the Times World Corporation is a fundamental erosion of public trust in the newspaper as the public voice and in Council as the public government, because such actions send the wrong message, and encouraged Council Members to vote no on this item and the previous item.

Ms. Wyatt offered a substitute motion that the matter be tabled. The motion was seconded by Mr. White and lost by the following vote:

AYES: Council Members Hudson, White and Wyatt-----3.

NAYS: Council Members Bestpitch, Carder, Harris and Mayor Smith-----4.

Following further discussion in which it was pointed out by the City Attorney that the ordinance, in its present form, would require five affirmative votes to pass and if the emergency provision is deleted, the ordinance would require a second reading by Council on November 5, 2001, and would be effective ten days following the date of adoption.

Ms. Wyatt advised that she was supportive of the concept; however, her concern related to the timeliness of receiving the recommendation of the City Planning Commission and if she was forced to vote on the issue this evening, she could not support the request. She stated that it is an issue of principle because

while there may not be an issue on this particular item, Council should not set a precedent of acting on information that it has not had sufficient time to read and understand.

Mr. Harris advised that written information on the matter before Council was included in the Council agenda material which was delivered to all Members of Council on Thursday, October 11, 2001. He stated that Council is not being held hostage because something has changed, and petitioners are present this evening who expect Council to act on the matter.

Ms. Wyatt responded that six documents were placed before Council after 7:00 p.m., this evening which is the information that she had not had an opportunity to read and understand. She stated that the issue is one of appropriate and responsible behavior as a Member of Council.

Mr. Harris advised that in the spirit of moving on with the agenda, he would support a motion to table the item with the understanding that at the next meeting of Council, all Members of the Council will come prepared to vote on the issue.

Mr. Harris moved that the ordinance be tabled until the next regular meeting of Council on Monday, November 5, 2001, at 2:00 p.m. The motion was seconded by Mr. Hudson and adopted, Mayor Smith voted no.

The Mayor declared the public hearing closed.

CITYCODE-ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Thursday, October 18, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to amend Section 36.1-206, Permitted Uses, Section 36.1-227, Permitted Uses, and Section 36.1-249, Permitted Uses, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for commercial printing establishments including newspapers, publications and other printed materials as permitted uses in the C-2, General Commercial District, C-3, Central Business District, and LM, Light Manufacturing District, of the City of Roanoke, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, September 28, 2001 and Friday, October 5, 2001, and in The Roanoke Tribune on Thursday, October 4, 2001.

Evelyn S. Lander, Agent, City Planning Commission, advised that a report of the Planning Commission was included in the Council package that provided all background information on the proposed amendment. She stated that the City Planning Commission met this afternoon and recommends approval of the proposed amendment by a vote of 6 - 0. She advised that David A. Bowers, Attorney, representing Roger Roberts, spoke in opposition to the proposed amendment and

Stan Barnhill, Attorney, representing The Roanoke Times, spoke in favor; Mr. Roger Roberts, property owner, spoke in opposition and Wendy Zamparelli, Publisher, The Roanoke Times, responded to comments regarding the proposed Times World Corporation expansion project. She called attention to two communications in support of the proposed amendment, one from Downtown Roanoke, Inc., and one from the Roanoke Regional Chamber of Commerce.

Mr. Bestpitch offered the following ordinance:

(#35620-101801) AN ORDINANCE amending and reordaining §36.1-206, Permitted Uses, §36.1-227, Permitted Uses, and §36.1-249, Permitted Uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to provide for commercial printing establishments which print newspapers, publications and other materials, as permitted uses in the C-2, General Commercial District, C-3, Central Business District, and the LM, Light Manufacturing District, of the City of Roanoke, and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 218.)

Mr. Bestpitch moved the adoption of Ordinance No. 35620-101801. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter; whereupon, David A. Bowers, Attorney, representing Roger Roberts, stated that Council is being requested to amend the Zoning Ordinance and yet, the City Planning Commission has been directed by Council and the City Administration to submit a complete revision to the City's entire Zoning Ordinance. Therefore, he requested that the law be left intact and that The Roanoke Times proceed under the City's current Zoning Ordinance. He stated that a question has arisen as to what the proposed amendment has to do with The Roanoke Times which leads to questions such as: why does the ordinance refer to printing presses, why does the ordinance refer to the newspaper, why is the publisher of the newspaper present this evening, why did the City administration send the proposed amendment through the channels for City Planning Commission consideration, why has there been an exchange of land between the City and the newspaper, why has there been a \$500,000.00 grant to the newspaper, and why was such action taken in public session in May 2001, not in the name of The Times World Corporation, but under another name that was not recognized. He stated that one cannot stop progress, but one should consider the impact of progress on people.

Mr. Roger Roberts, 121 Campbell Avenue, S. W., spoke against the proposed Zoning Ordinance amendment. He stated that many concessions have been made

to The Roanoke Times because it threatened to move its operation out of the City. He stated that as a property owner, he was required to abide by the Zoning Ordinance when he purchased his property and expressed concern that Council is being swayed by a \$31 million project. He called attention to noise and odor from The Roanoke Times operation as a result of diesel trucks and gates that unload paper which should not be permitted in an area that allows townhouses, apartments, schools, etc. He requested that Council vote against the request to amend the Zoning Ordinance, and that City Council stand up for the people of the City of Roanoke by saying no to big businesses.

John H. Kennett, Attorney, assisting David A. Bowers, Attorney, representing Mr. Roger Roberts, advised that the purpose of the Zoning Ordinance is to protect property; however, not only will the \$31 million project damage the property of his client, the City went about it in a manner that almost guarantees its defeat in court. He stated that the Zoning Ordinance currently provides 39 permitted uses in the C-3 District, and it is agreed this is not one of the 39 permitted uses. He added that the proposed amendment provides for a permitted use which will allow a manufacturing plant to be placed in an existing building, therefore, it has been interpreted that if the Times World Corporation constructs a new building for \$30 million with a walkway across Second Street, it then becomes an existing building for the present Times World Corporation, which interpretation he believes the court system will over turn. He advised that Mr. Roberts would not be adverse to the Times World Corporation constructing a printing plant on the existing block by adding a number 40 to the 39 permitted uses, and if the Zoning Ordinance is amended accordingly, the printing press could be located downtown on the existing block, but not across the street from Mr. Roberts property, Mr. Roberts would then withdraw his complaint and the City would still have the \$31 million expansion project proposed by the Times World Corporation.

D. Stan Barnhill, Attorney, representing The Times World Corporation, advised that it is interesting to note that Mr. Bowers suggested that the action Council is about to take is somewhat tainted by unlawfulness, while Mr. Kennett advised that Council is precisely doing what he believes Council should be doing to address the issue. He stated that before Council is an ordinance that will permit a use which is currently wide spread in the inner city because not only is the Roanoke Times located in this area, but so is Stone Printing, Virginia Lithograph, and other similar types of businesses which are activities that are well suited for the center city and for C-2 areas. He further stated that the Times World Corporation intends to install an innovative printing press that does not yet exist in the United States, and one would have to go to Canada or Europe to see the type of innovative technology that is proposed for the Roanoke area which will enhance the value to the region of providing a top flight newspaper that will serve the needs of the community. He

advised that in his remarks, Mr. Kennett alluded to spot zoning; however, Council is not being asked to change any parcel of land with any particular interest in mind, but instead Council is requested to bring the Zoning Ordinance into compliance with what existed prior to the 1989 amendments inasmuch as printing establishments were permitted for a number of years in this area. He stated that there will be no damage to Mr. Roberts' property as a result of permitted uses in the current C-3 district because bus stations, a stadium, and a hospital are currently permitted uses and pursuant to the proposed amendment, a modern printing press will be located on what is now an empty lot. He advised that Mr. Roberts, who stated that his property rights are being violated, chose to place his apartments in their present location when the Times World printing press was located in close proximity to his property. He stated that the arguments before Council are veiled attempts to hold the Times World Corporation hostage.

Wendy Zamparelli, Editor and Publisher, The Roanoke Times, advised that the newspaper has been a part of downtown Roanoke since 1886, it is about to celebrate its 115th anniversary, and the Times World Corporation wishes to remain a part of downtown Roanoke. She stated that the first thing the Times World Corporation did when it became aware that the antiquated printing press had to be replaced was to determine whether it could be located on the parking lot adjacent to the building; however, the reality is that printing presses have changed in the last 50 years since the Times World Corporation purchased its last printing press and the press of today cannot be located on that same kind of footprint; therefore, it was felt that acquiring surface parking lots and designing an innovative project to connect the building with the existing building would enhance downtown Roanoke. She stated that the new printing press will enable color print on every page of the newspaper which will add to the enjoyment of readers and to the success of advertisers in The Roanoke Times. She explained that the Times World Corporation has worked openly throughout the project to make its intentions clear; she would not want to be the publisher that pulled 450 employees out of downtown Roanoke because the newspaper could not find space to locate its new facility, which would mean that 450 people who come to the downtown Roanoke area every day to work, shop, and transact business would no longer be in place, and she asked that it be envisioned what the corner would look like with an empty building. She urged that the City of Roanoke correct an omission that was made in the latter part of 1980's.

Mr. Martin Jeffrey, 3912 Hyde Park Drive, S. W., Roanoke County, urged that Council either table the item or vote no. He stated that it is a moral question for City government and asked if Council plans to continue to conduct business in this matter which sends the wrong message to its citizens. He further stated that his position is not against economic development or stabilizing downtown, but economic development should be offered with accountability by everyone involved

in the process. He advised that the proposed amendment is clearly a way to circumvent the legal challenges to the zoning request that The Roanoke Times submitted to the Board of Zoning Appeals. He stated tht if City Council cares about its citizens, tabling the item will not compromise a \$31 million project, it should be pointed out that the newspaper is violating at least 11 of the Code of Ethics of Journalism in accepting funds from the City, in the zoning ordinance amendment, and there is a perception by citizens of bias in the coverage of Roanoke City government by The Roanoke Times.

There being no further speakers and no further discussion by Council, Ordinance No. 35620-101801 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith----- 6.

NAYS: None-----0.

(Council Member Hudson was out of the Council Chamber.)

The Mayor declared the public hearing closed.

CITYCODE-ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Thursday, October 18, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City Planning Commission to amend Section 36.1-723, Penalty for violations, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to revise penalties for violations of the Zoning Ordinance, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, September 28, 2001, and Friday, October 5, 2001, and The Roanoke Tribune Thursday, October 4, 2001.

A report of the City Planning Commission advising that the proposed amendment to the Zoning Ordinance is recommended to provide the City of Roanoke with the authority granted to localities by the state legislature by a recent amendment to the Code of Virginia, which provides for higher criminal penalties for violations of the Zoning Ordinance; the current code provides for a \$50.00 fine for unabated violations and a \$250.00 fine if not corrected in ten days; a new code provision would establish a fine ranging from a minimum of \$10.00 to a maximum of \$1,000.00, and would provide that if the violation is not corrected within ten days, a fine could be imposed of not less than \$100.00 and not more than \$1,500.00, was before Council.

The City Planning Commission recommended that Council adopt the proposed amendment to Section 36.1-723 of the Zoning Ordinance.

Mr. Carder offered the following ordinance:

(#35621-101801) AN ORDINANCE amending and reordaining §36.1-723, Penalty for violations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, revising the penalties for violations of the zoning ordinance, and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 220.)

Mr. Carder moved the adoption of Ordinance No. 35621-101801. The motion was seconded by Mr. Hudson.

The Mayor inquired if there were persons present who would like to address Council with regard to the request. There being none, Ordinance No. 35621-101801 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

CITY CODE-COMMITTEES-ARCHITECTURAL REVIEW BOARD: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Thursday, October 18, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to amend Section 36.1-640, Appointment, membership, Division 2, Architectural Review Board, Article VII, Administration, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to eliminate certain qualifications for membership on the Architectural Review Board, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, September 28, 2001, and Friday, October 5, 2001, and The Roanoke Tribune Thursday, October 4, 2001.

A report of the City Planning Commission advising that at present, members of the Architectural Review Board are required to meet certain eligibility requirements

as set forth in the Zoning Ordinance and Section 36.1-640 provides for the following requirements:

“All members shall have an interest, competence or knowledge in historic preservation. At least one (1) of the members appointed shall be selected from the membership of the city planning commission, at least two (2) members shall be registered architects, and at least one (1) member shall be a person who has a demonstrated knowledge of and interest in the history of the city.”

It was further advised that the proposed amendment would eliminate all of the requirements for board membership.

Mr. Carder offered the following ordinance:

“AN ORDINANCE amending and reordaining §36.1-640, Appointment, membership, of Division 2, Architectural Review Board, of Article VII, Administration, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, in order to eliminate certain qualifications for members of the Architectural Review Board, and dispensing with the second reading of this ordinance by title.”

Mr. Carder moved the adoption of the ordinance. The motion was seconded by Mr. Bestpitch.

Evelyn S. Lander, Agent, City Planning Commission, advised that a motion to approve the proposed amendment failed by a vote of 0 - 5; at a meeting of the Planning Commission which was held this afternoon; two members of the City Planning Commission expressed concern with regard to removing the requirement that at least two architects be appointed to the Architectural Review Board because it was felt that the Board should include architects in order to maintain validity and to serve the needs of the City's historic districts. She noted that other Planning Commission members had similar concerns and requested that they be provided with additional information regarding the reason for the proposed amendment.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter; whereupon, Mr. Robert Richert, 415 Allison Avenue, S. W., encouraged further study of the proposed amendment. He stated that fine tuning is needed and it is a given that members of the Architectural Review Board should have an interest, competence and knowledge of historical preservation, and it is hoped that future Councils would honor that provision if it were not included in the ordinance. He stated that a representative of the City Planning Commission may not be necessary on the Architectural Review Board because of

the level of maturity since the historic districts were instituted. He strongly supported the need to appoint architects to the Board because it is difficult to deal with competent professional persons who appear before the Architectural Review Board if architects are not represented. He stated that the number of architects specified should not be less than two because there are instances when an architect serving on the Board must abstain from voting due to a personal interest, and suggested that the ordinance provide, "not less than two nor more than three architects"; and it appears that the requirement to appoint one person knowledgeable in the history of Roanoke is redundant.

Robert B. Manetta, Chair, Architectural Review Board and a Member of the City Planning Commission, advised that he serves in the dual role as a member of the City Planning Commission and the Architectural Review Board; however, there does not appear to be any significant value in serving in a dual function because communications concerning Architectural Review Board and City Planning Commission activities rarely require coordination. He spoke in support of deleting the provision requiring the appointment of an individual with knowledge of the history of the City, because it should be obvious that at least a majority of the Board would have knowledge about the general history of the City of Roanoke. He also spoke in support of a provision that would require appointment to the Board of at least one person who is a professional in the field of historic preservation. He stated that at least two architects are needed on the Architectural Review Board to address Board items in a professional manner. In summary, he requested that at least two architects and a representative with historic preservation background be included in the Architectural Review Board.

Following further discussion, Mr. Carder offered a substitute motion that the matter be tabled, with the recommendation that the Vice-Mayor, Council Member Wyatt, the City Manager and the City Attorney (the committee previously appointed by Council to study restructuring of Council appointed boards and commissions) meet with representatives of the Architectural Review Board to further discuss the matter and report to Council accordingly. The motion was seconded by Mr. Bestpitch and unanimously adopted.

PARKS AND RECREATION-ACTS OF ACKNOWLEDGEMENT: Pursuant to action of Council, the City Clerk having advertised a public hearing for Thursday, October 18, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider the proposed renaming of Elmwood Park to honor the late Dr. Martin Luther King, Jr., the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, September 28, 2001, and Friday, October 5, 2001, and The Roanoke Tribune Thursday, October 11, 2001.

For the benefit of the viewing audience, Council Member Harris officially presented a compromise concept that was presented in the newspaper and discussed with Council Members. He advised that following the report of the Martin Luther King Memorial Committee, coupled with initial public reaction and responses, he discussed the following compromise proposal with Vice-Mayor Carder who served as Council's liaison to the Martin Luther King Memorial Committee: i.e.: "The "Outlook Roanoke" plan regarding downtown contains a recommendation that Bullitt Avenue be extended to intersect with Williamson Road. Presently, Bullitt Avenue deadends just past the library. Should Bullitt Avenue continue through to Williamson Road, there would be a natural division of Elmwood Park. Herein lies the compromise. On the south side of Bullitt Avenue would remain the library, amphitheatre, and a majority of the park land. This south side could retain the Elmwood Park name. On the north side of Bullitt Avenue would be a rectangular park area containing the Lilly ponds and plaza and it is proposed that this area be named to honor Dr. King."

Council Member Harris explained that the purpose of Council's public hearing this evening is to receive responses, input, thoughts, and suggestions by citizens, and inasmuch as this is Council's first public hearing on the issue as a Council, no action will be taken on the recommendation at this Council session, the intent of the public hearing being to listen to the views of citizens.

On behalf of Council, Mr. Harris invited speakers to respond to the original recommendation of the Martin Luther King Memorial Committee which is the official notice of the public hearing, or to respond to the compromise concept, or to offer suggestions of their own.

The Mayor advised that 17 persons had signed up to speak and requested that each speaker limit their remarks to three minutes.

Mr. E. Duane Howard, 508-D Walnut Avenue, S. W., presented a history of Elmwood Park and Peyton L. Terry, who made numerous contributions to the City of Roanoke and owned the grand estate known as Elmwood. He stated that the name "Elmwood" is a legend and a legacy to this great man and to the City of Roanoke and in that spirit, he requested that the public endorse and embrace the compromise proposal that was offered by Council Member Harris.

Mr. Kermit Shriver, 18 Mountain Avenue, S. W., advised that he has rebuilt and restored over five homes in Old Southwest, primarily between Franklin Road and South Jefferson Street, and he considers Elmwood Park to be the cornerstone of Historic Old Southwest, even though the guidelines for Old Southwest are at the corner of Elm Avenue and South Jefferson Street. He stated that he is not a racist but believes that if the citizens of the City of Roanoke desire to name something after the late Dr. King, it should be a roadway that carries a number rather than a name: for example: 2nd Street, 6th Street, 10th Street, etc. He noted that the Second Street Bridge or the Gainsboro Library would have been ideal ways to honor Dr. King's memory. He stated that the memorial committee should vote the conscience of all citizens of Roanoke City and, if necessary, submit the question to voter referendum so that citizens of Roanoke will stand united in the decision as opposed to some persons believing that the recommendation represents some kind of secret agenda that was planned behind closed doors to appease a special interest or group. He added that no one questions the integrity and the greatness of Dr. King; however, he is opposed to changing the name of Elmwood Park.

Mr. Hubert Brooks, 1002 Rosemary Avenue, S. E., advised that he has witnessed Roanoke grow in all directions, but Elmwood Park has remained the same and a part of the history of the Roanoke Valley. He read a letter signed by citizens of the Roanoke Valley strongly opposing the renaming of Elmwood Park, advising that to rename an existing historic landmark that dates back to 1911 would not only dishonor settlers who once lived on the land, but would be an injustice to Dr. King; the recommendation of the memorial committee is not in the best interest of all Roanokers, and Elmwood Park should remain Elmwood Park in its entirety.

Ms. Lee Wallace, 1048 Hunt Avenue, N. W., spoke in support of the recommendation of the memorial committee because Dr. King stood for unity and togetherness. However, she stated that she could also support a revised recommendation to name the northern part of Elmwood Park in honor of Dr. King.

Ms. Rosalie Sanchez Motley, 2835 Cove Road, N. W., recommended that Council vote against the compromise proposal as outlined by Council Member Harris. She stated that when she read in the newspaper that Roanoke was considering naming Elmwood Park in honor of Dr. King, she was proud of her adopted City because it is appropriate that the entire park be named in memory of Dr. King who was a Nobel Peace Prize recipient, and a leader who implemented change without violence. She stated that there are more than just African-American citizens who are interested in the issues because the Roanoke Valley has a growing population of Hispanics, and Dr. King was a hero to all people of all nationalities. She advised that Elmwood Park is used as a symbol of unity and the City's diversity should be honored.

Ms. Sandy Artis, 1450 Lafayette Boulevard, N. W., advised that the compromise site proposed by Council Member Harris to honor Dr. King is inappropriate. As history leading to the recommendation of the Memorial Committee, she advised that the citizens of Roanoke decided that a boulevard was not the proper way to show their respect for a man who worked so hard and gave his life to insure that the rights of others are respected; it was decided that something else should be suggested, so, a park was discussed, and then Elmwood Park was suggested, but certain people decided that the entire Elmwood Park could not be named for Dr. King, so the compromise of a walkway and a small piece of land on the corner, including a commitment to make improvements and to construct a monument with the extension of Bullitt Avenue to separate Elmwood Park from the other park, was suggested. She spoke against the alternative offered by Council Member Harris because it is not a sufficient and fitting memorial to Dr. King. She noted that a little bit of something is not better than nothing at all.

Deborah Parsons, 802 Mississippi Avenue, N. E., spoke against remaining Elmwood Park to honor Dr. King. She advised that she is not a racist, but believes that Dr. King should be honored in another way.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that Dr. King was a scholar, an author, a recipient of the Nobel Peace Prize, he was among the first to speak out against the war in Vietnam, he stood at all times in the face of all trials for what he believed in, and he was a child of God; therefore, with pride in Dr. King and humility before God, she requested that Council reject the compromise proposal to have a separate and unequal area named in honor of Dr. King. She stated that the proposed alternative gives the appearance of returning to the days of segregation when “colored only” and “white only” signs were placed over water fountains that were located side by side. She advised that throughout his life, Dr. King did not compromise his beliefs and those who still walk with him in spirit will continue to do as he did and not engage in compromise. She urged that Council reject the compromise proposal.

Mr. George Kegley, 301 Tinker Creek Lane, N. E., Member of the Board of Directors, History Museum and Historical Society of Western Virginia, advised that the Board of Directors voted to endorse the compromise proposal for naming the northern section of Elmwood Park in honor of Dr. King and retaining the name Elmwood. He stated that the Elmwood name, which is more than 150 years old, is an important and irreplaceable part of the history of Roanoke and the house known as “Elmwood” stood on top of the hill for many years. He called attention to the importance of remembering the significant name of Dr. King; therefore, the Historical Society believes that it is appropriate for the north section of Elmwood Park, which is a key location in downtown Roanoke, to be named in honor of Dr. King.

Mr. Jonathon Kuebler, 425 Fugate Road, N. E., advised that he was opposed to both the proposal to rename Elmwood Park in honor of Dr. King and the alternative suggested by Council Member Harris; however, if the question becomes changing the name of Elmwood Park completely, he would support the proposed compromise and encouraged Council Members to do likewise.

Barbara Duerk, 2607 Rosalind Avenue, S. W., Co-Chair of the Dr. Martin Luther King, Jr. Memorial Selection Committee, advised that committee members started their work in the fall of 2000 with no preconceived opinions on what would be an appropriate memorial for Dr. King. She stated that the committee wanted its decision to be responsive to public input and inclusive of all opinions, the committee worked diligently to inform the public of the work to be done and how citizens could be involved in the process, and the medium of television, telephone, radio, community news letters, business associations, schools, churches, community events, public forums and the Internet was used to inform the public and to solicit citizen input.

She noted that over 300 suggestions were received, from Social Studies and English students from classes at Patrick Henry High School, William Fleming High School and North Cross Middle School, 26 e-mail suggestions were received, a public forum was held on February 1, 2000, 134 postcard suggestions were received as a result of a article in the City Magazine, 25 suggestions were received from radio call in shows, and numerous other suggestions were personally delivered to members of the committee. She advised that numerous meetings were held to bring forward a recommendation that included a multi-faceted public input process. She stated that the following ideas were considered and researched: the Roanoke Higher Education Center, the Roanoke Civic Center Plaza, the Higher Education Center School of Diversity, Eureka Park, Interstate-581, the main library, the main post office, Lee Plaza, RNDC Plaza, the Roanoke Academy for Mathematics and Science, and Elmwood Park. She explained that the recommendation which was submitted was not a compromise, but a consensus, therefore, the committee submitted only one recommendation to the City Manager which was overwhelmingly and unanimously endorsed by the Memorial Committee. She advised that Elmwood Park will form a nucleus for the celebration of ideas embraced by Dr. King, and Dr. King's work as a drum major for equality, justice and non-violent solutions for civil rights issues should be embraced by all people.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that Dr. King stood for the American ideals of freedom, justice and opportunity for all people; he stood for love, not hate, for understanding, not anger, for peace, not war and he stood for community and family. She stated that he stood for the hope that the nations of the world would cease their violent actions and demonstrate that race is not just a dream, but a real possibility, and it would be commendable if the City of Roanoke would

honor Dr. King by establishing the proper memorial to him because his life and legacy will be known and remembered by generations not yet born. She advised that the proposed compromise by unequally dividing Elmwood Park is an insult to both Dr. King and to the City of Roanoke, and the compromise proposal could be seen as a way to divide people, which is the very concept that Dr. King worked to erase. She stated that at all times, Dr. King gave his best and in the end, he gave his life; whereupon, she requested that the City of Roanoke do better by Dr. King, and urged that Council not accept the compromise proposal.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that Dr. King was for unity and if he were alive today, he would not be pleased that citizens are fighting over what should be named in his honor. He spoke in support of both the committee's recommendation and the alternative proposed by Council Member Harris, but suggested further study regarding other alternatives such as the new stadium, amphetheater, or another location where people will come together in unity. He requested that Council consider what is best for all citizens of the City of Roanoke.

Ms. Kathy Hill, 509 Arbor Avenue, S. E., advised that the recommendation of the memorial committee will divide instead of unify the community, and it would be an embarrassment to name a small strip of land on the side of Bullitt Avenue in honor of such a great man. She advised that Dr. King believed in what he stood for and it would be appropriate to name a school or a university in his memory because his goal was to educate, to unite, and to bring people together. She stated that naming a park in his honor is not suitable for what Dr. King stood for and believed in.

Ms. Jennifer Pfister, 4701 Norwood Street, N. W., advised that previously, she was in favor of the compromise proposed by Council Member Harris, but retracted her position since it would be giving in to white racism. She advised that a Federal and State holiday is recognized in honor of Dr. King, other southern cities have named streets, buildings, and parks in his honor and the entire park should be named Dr. Martin Luther King, Jr. Park. She advised that Elmwood Park has always been named Elmwood Park, and if one believes that there should be no change in its name, then Big Lick should never have changed its name, blacks should always sit at the back of the bus, and women should never have been given the right to vote.

Mr. Dan Crawford, 2022 York Road, S. W., advised that the United States was fortunate to have had a man of Dr. King's vision, energy and commitment as a leader in the Civil Rights movement of our country, a man with courage to lead people marching into angry threats, and mobs, and a man who studied, taught and insisted on non-violent political action. He stated that Dr. King and the people who worked with him and for him can be thanked for much of the stability and domestic peace

that citizens take for granted. He noted that Roanoke would be fortunate to have its premier downtown park named in honor of such a great man, because there is no other place in the Roanoke Valley that hosts such diverse gatherings as Elmwood Park. He asked that the City of Roanoke demonstrate its appreciation for this mountain of a man and the stability that all citizens enjoy because of him and leave a City for future generations that reflects real personal effort to overcome ignorance and prejudice, and a City that reflects positive growth of the human spirit. He suggested that Elmwood Park be renamed Dr. Martin Luther King, Jr. Park.

Mr. Martin Jeffrey, 3912 Hyde Park Drive, S. W., Roanoke County, advised that Dr. King stood for compromise, compromise that moved all persons forward significantly and in a way that unravels the need for dividers and promoted equality for all. He stated that Dr. King, as did The Reverend Noel C. Taylor, made major contributions to the Roanoke Valley in the way they affected public policy in this country and in the City and in the way that people respond to each other and both of them in some ways, gave their lives to that ideal. He advised that both Dr. King and Dr. Taylor asked only for one thing from America and from the City of Roanoke in particular – Dr. Taylor wanted a commitment to the revitalization of Henry Street, much like that which was given to the Higher Education Center, GOB South, The Hotel Roanoke and Conference Center, and the Henry Street Garage, etc., and Dr. King asked only for equality in the way people are governed, in the way they live, and worship and that all persons be allowed to disagree peacefully. He stated that Dr. King did not want his name on a building, or a park, or a street, but would have looked with favor on a change in the way business and government is transacted. He suggested that the City change the anti-inclusion of citizens in the governmental process and name certain Council reforms in honor of Dr. King. He advised that both Dr. King and Dr. Taylor, two great men, were not interested in having their names placed on buildings or parks, but they shared in the belief that all people should be treated equally.

Mr. Jim Fields, Route 2, Hardy, Virginia, advised that Dr. King was not a politician, but a minister, and naming Elmwood Park in his memory is a good suggestion because he was a great man who believed in America and that all persons are created equal. He called attention to the need to recognize those persons who have made outstanding contributions to our country, and in these difficult days, citizens should stand united and not divided.

Vice-Mayor Carder advised that the Downtown Roanoke Outlook Plan was an inclusive report that included input from many citizens throughout the community, and the Plan recommended that Bullitt Avenue be extended through Elmwood Park prior to discussions regarding renaming the park to Martin Luther King, Jr. Park. He

stated that the Bullitt Avenue cut through was not contingent upon a Martin Luther King, Jr. Park, but was a recommendation by the Downtown Outlook Roanoke Plan consultant prior to the recommendation of the Martin Luther King, Jr. Memorial Committee.

The Mayor advised that it was not the intent of Council to act on the matter this evening, but to receive input by citizens.

No other persons wishing to be heard, the Mayor declared the public hearing closed.

OTHER HEARING OF CITIZENS: The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately, without objection by Council, for response, report or recommendation to Council.

At this point, the Mayor advised that RVTV Channel 3 coverage of the Council meeting would conclude.

ACTS OF ACKNOWLEDGEMENT-PARKS AND RECREATION COMPLAINTS: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed confusion in regard to the process that was used in considering the proposal to rename Elmwood Park in honor of the late Dr. Martin Luther King, Jr. She stated that it was a disservice to the citizens of Roanoke that they were not formally briefed on the City Manager's recommendation as a result of the recommendation of the Dr. Martin Luther King, Jr. Memorial Committee. She requested as to how Council can offer a compromise proposal before officially receiving and voting on the recommendation of the committee. She asked if citizens were addressing the original recommendation of the memorial committee to name the entire Elmwood Park in honor of Dr. King, or were citizens responding to the unofficial compromise as reported in the newspaper. She stated that there is a perception in the community that every time the issue of Dr. King comes up, procedures are "thrown out the window", and requested an explanation as to the procedure followed by Council in conducting its public hearing.

The Mayor invited Ms. Bethel to be seated; whereupon, she requested that she be permitted to remain at the podium to engage in dialogue with Council Members, just as Council engaged in dialogue with previous speakers at the 2:00 p.m. Council session.

Mr. White raised a point of clarification and advised that it was his understanding that Council would have an opportunity to engage in dialogue with citizens under the Hearing of Citizens section of the agenda. He stated that Council

engaged in dialogue with speakers at its 2:00 p.m. session, and the same rule should apply to speakers at the 7:00 p.m. Council session.

The Mayor advised that Council also agreed that it would not respond to every issue. He stated that he was Chairing the meeting and Council has the power to overrule the Chair, however, his reasoning was that the remarks of the speaker were inappropriate inasmuch as the compromise proposal was reported in the newspaper and over 90 minutes of remarks were heard during the public hearing. He added that the speaker was afforded an opportunity to speak to the issue as a part of the public hearing.

Mr. Bestpitch advised that it is the option of Council at this point in the agenda to engage in dialogue with citizens; whereupon, he invited Ms. Bethel to return to the podium so that he could respond to her concerns from his perspective as one Member of Council.

Mr. Bestpitch advised that the term “compromise” is a mis nomer in this particular situation, because the proposal as stated by Council Member Harris is not a compromise per se, but an alternative suggestion, or another possibility which would still meet the criteria that the Dr. Martin Luther King, Jr. Memorial Committee established. He explained that the criteria were to choose something that is not located in one part of the City, or associated with one particular group, but that something be chosen to honor Dr. King that was centrally located and used by all citizens of the City of Roanoke, and that something be chosen that is an area of celebration, but not an area primarily associated with sports or entertainment. For those reasons, he printed out that the committee wanted to recommend something that would be a celebration and something that all citizens of the community could support. He added that it is unfortunate that the recommendation was interpreted as a compromise, as opposed to an alternative that does not compromise any of the criteria and still meets the criteria that was established by the committee. He advised that Council Member Harris stated the recommendation of the memorial committee at the beginning of the public hearing, as well as the alternative proposal, and indicated that citizens were free to give Council their opinion on either of those options, or to provide other suggestions regarding a fitting tribute to honor Dr. King.

Ms. Wyatt advised that it is most upsetting to her as one Member of Council that the Chair would allow citizens to engage in dialogue with Council Members at the 2:00 p.m. meeting and that the Chair would take it upon himself to decide whether another citizen of this community has the right to engage in dialogue with Council on another occasion, and requested that the matter be discussed at the continuation of Council’s Planning Retreat on Friday, October 19, 2001.

Vice-Mayor Carder advised that the process was a learning experience and commended the memorial committee for its hard work. He stated that prior to the alternative proposal being announced in the newspaper, he met with members of the memorial committee and others and there were expressions of excitement about the possibility of the alternative proposal.

COMPLAINTS-PARKS AND RECREATION: Mr. Robert D. Gravely, 617 Hanover Avenue, N. W., expressed concern with regard to a Roanoke City worker who was recently attacked by a citizen while performing his duties as a City employee. He referred to other alleged incidents that have threatened the personal safety of City employees while performing their duties.

He advised that Dr. Martin Luther King, Jr., stood for peace and he represented all people, regardless of race; therefore, racism should not be an issue and suggested further study leading to a compromise recommendation to honor Dr. King's memory.

COMPLAINTS-HUMAN SERVICES-COUNCIL: Mr. Chris Craft, 1501 East Gate Avenue, N. E., expressed dissatisfaction with the actions of some Members of Council; i.e.: spending City taxpayers' money to lease a building on Williamson Road to relocate the Social Services Department when the funds could be spent on increasing teacher salaries, equipment purchases, etc. He applauded Council for opening the lines of communication between Council Members and citizens at the end of the City Council meeting.

YOUTH-SCHOOLS-DRUGS/ALCOHOL ABUSE: Ms. Rosalie S. Motley, 2835 Cove Road, N. W., addressed Council in regard to Red Ribbon Week which will be observed on October 25 - 31, 2001, and was established in 1985 by the Virginia Federation of Community and Drug Free Youth. She invited the Members of Council to attend special activities at William Fleming High School on Wednesday, October 31, which are designed to promote a drug free life style by students.

TRAFFIC-COMPLAINTS-HOSPITALS: Mr. Kermit Shriver, 18 Mountain Avenue, S. W., expressed concern with regard to noise and safety issues as a result of emergency vehicles entering the City from the vicinity of Troutville, Buchanan, Daleville, etc. He requested that the City of Roanoke communicate with the above referenced localities to determine if vehicles can exit I-581 and access the City via Williamson Road, proceeding through a traffic light at Albemarle Avenue to South Jefferson Street and enter the hospital complex at the foot of the bridge.

Council Member Wyatt requested that the matter be referred to the City Manager to communicate with the above referenced localities.

STREETS AND ALLEYS: With regard to a public hearing which was held earlier in the meeting on a request of the Times World Corporation that a portion of Salem Avenue, S. W., near its intersection with second street, be permanently vacated discontinued and closed, Mr. Harris moved for a reconsideration of the ordinance vacating, discontinuing and closing the property. The motion was seconded by Mr. Carder.

Mr. White raised a point of order and advised that following completion of Item 10 on the agenda, the public was advised that Council was going off record to hear from citizens; however, if Mr. Harris' motion is adopted, Council will again be conducting City business; whereupon, he requested an opinion from the City Attorney as to the legality of the motion.

The City Attorney advised that Council has adopted an order for consideration of agenda items and Council's rules of procedure also provide that Council may change its rules of procedure at any time upon a majority vote of Council. He stated that the motion on the floor was appropriate.

Mr. White advised that the City Attorney's remarks were not responsive to his question. He stated that Council established certain rules which were voted on earlier in the meeting and one of the rules was to conduct public business; then to discontinue television coverage of the Council meeting to allow citizens an opportunity to speak and for Council to engage in dialogue, and it was indicated to the public prior to discontinuation of television coverage that Council had completed its official business. He inquired if Council could vote on Mr. Harris' motion without resuming television coverage of the public meeting.

Mr. Hudson concurred in the remarks of Mr. White in the interest of adhering to the new guidelines established by Council:

Mr. Harris withdrew the motion and Mr. Carder withdrew his second to the motion, with the request that Council Members will be prepared to vote on the matter at the next regular meeting of Council on Monday, November 5, 2001, at 2:00 p.m.

At 10:50 p.m., the Mayor declared the Council meeting in recess to be reconvened on Friday, October 19, 2001, at 2:00 p.m., on the Mezzanine of the Roanoke Civic Center Auditorium, Williamson Road, N.W., for a continuation of City Council's Planning Retreat.

The regular meeting of Roanoke City Council which was convened on Thursday, October 18, 2001, and declared in recess until Friday, October 19, 2001, for continuation of a City Council Planning Retreat was called to order at 2:00 p.m., on

the Mezzanine of the Lobby of the Roanoke Civic Center, 710 Williamson Road, N. W., with Mayor Ralph K. Smith presiding.

PRESENT: Council Members William D. Bestpitch, William H. Carder, C. Nelson Harris, Linda F. Wyatt, William White, Sr., and Mayor Ralph K. Smith-----6.

ABSENT: Council Member W. Alvin Hudson, Jr.-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; and Mary F. Parker, City Clerk.

OTHERS PRESENT: Rolanda Johnson, Assistant City Manager for Community Development; and George C. Snead, Jr., Assistant City Manager for Operations.

The meeting was facilitated by Lyle Sumek, representing Lyle Sumek Associates.

COUNCIL: There was discussion with regard to objectives for creating a vibrant downtown and the following short term actions were identified:

Building Code: Update
Supporting second/third floor living

Civic Center Improvements:
Parking
Funding

Outlook Roanoke Plan Action Steps:
Parking Policy/Evaluate Parking Alternatives and Options
Traffic Flow Analysis: Future Direction

Library: Long term Plan :
Location and Resolution
Art Space (in terms of direction)

There was discussion in regard to enhanced environmental quality objectives.

The following were identified:

Clean Up River, Greenways, Gateways and Entrances - Improving the Image of Roanoke

Improve Air Quality - Respond to Federal Requirements

Develop Effective Approach to Regional Stormwater Management and Management Plan

Clean Up Visual Blight - “Eyesores” through Proactive Programs and Action Plan

Clean Up “Brownfield Fields,” Address through Actions, Environmental Problems

Develop Effective Approach to Regional Waste Water Treatment

Short term actions identified for the next year are as follows:

- Tourism Development**
- Roanoke Branding Campaign**
- Short Term Strategy to Deal With Economic Downturn**
- Upper End Housing**
- Fire/EMS Direction**
- Service Inventory**
- First Floor Service Enhancements**
- Housing Program for First Time Home Buyers**
- Zoning Code Update**
- Outlook Roanoke Plan (Action Steps)**
- Building Code Update**
- Civic Center Improvements**
- Library - Long Term Plan and Recommendation**
- Urban Forestry Task Force (Development Policy and Plan)**
- Storm Water Management and Plan**
- Litter Education and Enforcement**
- Roanoke River- Recreational Uses and Plan**

The following were identified as the top four priorities:

- Roanoke Branding Campaign**
- Upper End Housing**
- Tourism Development**
- Civic Center Improvements**

There was discussion in regard to improving the Council meeting process; whereupon, the following suggestions were offered:

- Conduct public hearings on a separate Monday independent of the first and third Monday to avoid overly long Council meetings.**

No last minute documents should be placed on the Council dias or Council chairs prior to a Council meeting. If items need to be distributed, they should be introduced by the the appropriate Council-Appointed Officer.

Council should be briefed on last minute agenda items at the Council meeting.

Seating for Council Members should be rotated.

There should be no cheering, jeering or applauding during Council meetings, except as a part of ceremonial presentations.

A method should be devised to alert the Mayor when a Member of Council wishes to speak.

There being no further business, the Mayor declared the meeting adjourned at 5:20 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
